

proceed ifp. They do not. To the extent they do, this case should still be dismissed.

The documents submitted do not contain any objection to the Court's November 23, 2010 Report and Recommendation to dismiss for want of prosecution, nor do the newly submitted documents offer any explanation as to why petitioner failed to comply with this Court's October 25, 2010 orders. The habeas corpus form submitted by petitioner does not contain any information regarding the disciplinary case petitioner challenged in his original habeas corpus petition, if in fact petitioner is seeking habeas corpus relief. Further, the ifp data sheet submitted by petitioner indicates that while petitioner currently has \$0.00 in his account he has had, in the past six months, sufficient deposits to pay the \$5.00 filing fee in full. He does not qualify for status as a pauper.

As set forth above, petitioner continues to waste this Court's resources. Petitioner's conduct warrants not only dismissal of this case but sanctions of petitioner. The Magistrate Judge recommends this case be DISMISSED because (i) petitioner does not qualify for ifp status and has not paid the required filing fee and (ii) even if petitioner did pay the filing fee, his habeas corpus petition contains no fact warranting habeas corpus relief. In addition, the undersigned recommends petitioner be imposed with a monetary sanction of \$100.00 and that petitioner be barred from filing any more litigation, either pursuant to civil rights or habeas corpus statutes, until he pays the \$100.00 sanction.

IT IS SO RECOMMENDED.

ENTERED this 13th day of December, 2010.


CLINTON E. AVERITTE
UNITED STATES MAGISTRATE JUDGE

*** NOTICE OF RIGHT TO OBJECT ***

Any party may object to these proposed findings, conclusions and recommendation. In the event parties wish to object, they are hereby NOTIFIED that the deadline for filing objections is fourteen (14) days from the date of filing as indicated by the “entered” date directly above the signature line. Service is complete upon mailing, Fed. R. Civ. P. 5(b)(2)(C), or transmission by electronic means, Fed. R. Civ. P. 5(b)(2)(E). **Any objections must be filed on or before the fourteenth (14th) day after this recommendation is filed** as indicated by the “entered” date. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b)(2); *see also* Fed. R. Civ. P. 6(d).

Any such objections shall be made in a written pleading entitled “Objections to the Report and Recommendation.” Objecting parties shall file the written objections with the United States District Clerk and serve a copy of such objections on all other parties. A party’s failure to timely file written objections to the proposed findings, conclusions, and recommendation contained in this report shall bar an aggrieved party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings, legal conclusions, and recommendation set forth by the Magistrate Judge in this report and accepted by the district court. *See Douglass v. United Services Auto. Ass’n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996); *Rodriguez v. Bowen*, 857 F.2d 275, 276-77 (5th Cir. 1988).